

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nielsen et al

Docket: 2000DE462

Serial No.: 10/602,392

Group Art Unit: 1616

Filed: 06/23/2003

Examiner: Lamm, Marina

For: Water-In-Oil Emulsions Containing One or More Ammonium
Acryloyldimethyl-taurate/vinylpyrrolidone Copolymers

DECLARATION UNDER 37 CFR 1.132

Mail Stop:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. I, Robert Milbradt, state that I am a resident of 65191 Wiesbaden, Federal Republic of Germany; that I am a citizen of Federal Republic of Germany; that I am a chemist having graduated from University of Cologne, Federal Republic of Germany, in the year 1995.

2. I have been employed by Clariant Produkte (Deutschland) GmbH, Federal Republic of Germany since 2000; and currently hold the position of a R&D manager within the business line "Personal Care".

3. I am acquainted with the subject matter of the above referenced Application.

4. I consider myself qualified, by my knowledge of chemistry, and especially of the chemistry of polymers and by my six (6) years of experience in this field.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the U.S. Patent and Trademark Office. (Fax No. (703) 872-9306) (Group 1713) (4) pages.

Vicki Sgro

Date of Transmission: 5-30-06

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5. In my opinion, the presently claimed invention exhibits surprising and unexpected results.
6. In order to demonstrate the unexpected and surprising results, a comparative formulation was prepared. A w/o-cream according to Attachment A was prepared and serves as a comparative example.
7. In the comparative example, Hostacerin® DGI is the emulsifier. The other substances listed under "A" formed the lipid phase. The substances listed under "B" formed the water phase.
8. Three additional compositions, according to the present invention, were prepared by dispersing 0.1, 0.5 and 1.0% by weight of Aristoflex® AVC in the oil phase of the composition of Attachment A.
9. Aristoflex® AVC is an ammonium acryloyldimethyltaurate/vinylpyrrolidone copolymer crosslinked with trimethylolpropanetriacrylate.
10. The compositions were investigated with respect to their appearance. The following results were obtained:

Amount of Aristoflex® AVC
in The Composition (wt.-%)

Appearance of the Composition

0 (comparative example)
0.1 (invention)
0.5 (invention)
1.0 (invention)

matt
shining
shining
shining

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11. The composition comprising no Aristoflex®AVC (comparative example) has a matt appearance. In contrast thereto, all three examples according to the invention were shining. This means that the appearance of the inventive compositions is significantly more aesthetic than the appearance of the composition of the comparative example.

12. In the cosmetic field, and to a slightly lesser extent, the dermatological field, where the products are prepared in order to improve one or more visual characteristics of the end user, it is also very important that the appearance of the product itself is not counterproductive with respect to this objective. In this context, it is well known that cosmetic products often are sold in aesthetically pleasing packaging, such as, for example, artistically designed bottles. It is, however, similarly important that not only the packaging but also the composition itself possess an appearance that is as aesthetic as possible.

13. The shining characteristic of the compositions according to the present invention are, in my opinion, aesthetically superior to a matt finish, and also, in my opinion, makes the compositions of the present invention significantly more attractive to the consumer, thereby enhancing customer acceptance.

14. Löffler, either alone, or in combination with Röckl, does not teach w/o emulsions containing acryloyldimethyltaurate/vinylpyrrolidone copolymer of the instant invention. Hence, in my estimation the prior art provides no motivation to the ordinary artisan that the inventive w/o emulsions comprising of from 0.1 to 1.0 % by weight of acryloyldimethyltaurate/vinylpyrrolidone copolymer are shining and have a very aesthetic appearance. Because of this, the claimed invention, in my opinion, is not made obvious in view of the teaching of Löffler, alone, or in combination with Röckl.

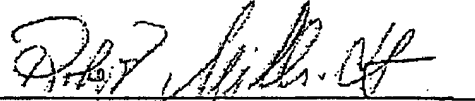
I declare that all statements made herein of my own knowledge are true and that

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all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: May 24, 2006

Robert Milbradt

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